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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Achari et al.

Examiner: V. Oke

Serial No.: 09/334,537

Group Art Unit: 1617

Filed: June 16, 1999

Docket: 719-163

For: PHARMACEUTICAL
FORMULATIONS AND
METHODS COMPRISING
INTRANASAL MORPHINE

Dated: January 26, 2000

P. TUCK
#3
2/16/00

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement in the Official Action mailed November 26, 1999, Applicants provisionally elect, with traverse, Claims 1-15 of Group I which are drawn to an intranasal morphine formulation. Applicants further elect the species of Claims 7 and 21 for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicants respectfully traverse the present restriction requirement. The invention has been restricted into two groups of claims. The Examiner contends that Claims 1-15 comprise one group of claims (Invention I) drawn to an intranasal morphine formulation, and further contends that Claims 16-29 comprise another group (Invention II) drawn to methods of using the formulation. Basically, the

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20231 on January 26, 2000

Dated: 1/26/00 W.D. Garcia

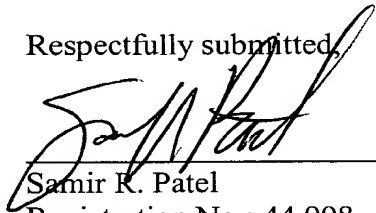
Examiner contends that the methods of Claims 16-29 can be practiced with compositions other than morphine such as naloxone or nalbuphine.

It is respectfully urged that the inventions defined by the claims in each group are so related that they should all be included in a single patent. Both the formulation and method claims define subject matter classified in the same classes and subclasses. Accordingly, the formulation and method claims are so interrelated that they should be examined together and included in a single patent.

A Petition for a one-month Extension of Time with the appropriate fee is enclosed herewith.

In view of the foregoing remarks, withdrawal of the restriction requirement and consideration on the merits of Claims 1-29 or, if the restriction requirement is maintained, consideration of provisionally elected Claims 1-15, are respectfully solicited.

Respectfully submitted,



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